



COMMONWEALTH of VIRGINIA
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November 24, 2004

The Honorable Robert G. Burnley, Director
Department of Environmental Quality
Commonwealth of Virginia
629 East Main Street
Richmond, Virginia 23219

Re: Final Amendments to Regulations Concerning Remote Sensing (9 VAC 5 Chapter 91, Rev. MJ and MK)

Dear Mr. Burnley:

I have reviewed the above-referenced final regulation amendments, as adopted by the State Air Pollution Control Board on November 3, 2004.

It is my view that the Board possesses statutory authority to promulgate the above-referenced final regulation amendments.

This communication, concerning the legal authority of the Board to adopt subject regulation, does not address any policy matters embodied in the regulation. It is the Board's responsibility to determine policy issues arising in connection with the adoption of regulations within its jurisdiction.

Sincerely,

Carl Josephson
Senior Assistant Attorney General